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In the Supreme Court of the United States

OCTOBER TERM, 1959.

Case No. 688.

IN THE MATTER OF THE UNAUTHORIZED PRACTICE OF LAW IN RE J. HARVEY CROW.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF OHIO.

J. HARVEY CROW,
St. Paris, Ohio,
In Propria Persona.

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—MAIN 1-9647

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In the Supreme Court of the United States

OCTOBER TERM, 1959.

Case No. _____

IN THE MATTER OF THE UNAUTHORIZED PRACTICE OF LAW IN RE J. HARVEY CROW.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF OHIO.

INTRODUCTION.

J. Harvey Crow, petitioner respectfully prays that a writ of certiorari issue to the Supreme Court of the State of Ohio to review the decision and judgment of that court and the order denying petitioner's application for rehearing in Case No. 35,825 in which the Supreme Court of Ohio denied the application for rehearing and judgment was rendered on the 12th day of November, 1959.

The proceeding against the petitioner originated in the Supreme Court of Ohio.

OPINIONS BELOW.

There have been no opinions rendered herein. All of the pleadings are contained in the transcript and all of the Court's orders are contained in the Appendices A, B, C and D.

JURISDICTION OF THIS COURT.

The judgment of the Supreme Court of Ohio of which review is sought was entered on the 21st day of October, 1959. The order denying petitioner's application for rehearing from which review is sought was dated November 12, 1959.

Jurisdiction to review aforesaid judgment and order is conferred on this Court by the act of June 25, 1948, c. 646, 62 Statute 929, Title 28, U. S. Code, Section 1257 (3).

"(3) By writ of certiorari, * * * where any title, right, privilege or immunity is specially set up or claimed under the Constitution * * * or statutes of * * * the United States."

CASES BELIEVED TO SUSTAIN JURISDICTION.

The following decisions sustain the jurisdiction of the Supreme Court of the United States to review the judgment.

Tumey v. Ohio, 273 U. S., 510;
In Re Murchison, et al., 349 U. S., 133;
In Re Oliver, 333 U. S., 257;
Offat v. United States, 348 U. S., 11;
Staub v. City of Baxley, 355 U. S., 313;
Rosenblum v. Rosenblum, 42 N. Y. S. 2nd, 626.

CONSTITUTIONAL PROVISIONS.

The Amendment to the United States Constitution, Article V, provides:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Amendment to the United States Constitution, Article VI, provides:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process of obtaining witnesses in his favor, and to have the assistance of counsel in his defense."

The Amendment to the United States Constitution, Article XIV, provides:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

QUESTIONS PRESENTED.

1: Did the Supreme Court of Ohio deprive the petitioner J. Harvey Crow of due process of law as guaranteed to him under the fifth, sixth and fourteenth amendments of the United States Constitution by finding the petitioner guilty of contempt of court after an application was filed in the Supreme Court of Ohio without providing for a hearing to said application either before the Court or special master, without any kind of proof of the allegations contained in said application, without affording an opportunity to the accused to present evidence in support of the answer filed denying said charges.

Said answer denied any acts which would constitute any violation of the court order and in addition set out

seven affirmative defenses, any one of which if proven would be a complete defense to any charge.

2. Did the Supreme Court of Ohio deprive the petitioner of due process of law as provided in the fifth and fourteenth amendment of the Constitution of the United States by taking away and depriving this petitioner, J. Harvey Crow, of certain personal property, without any specific request for said taking, without hearing any evidence in support of such taking, without providing for any hearing or an opportunity for any hearing or giving an opportunity to this petitioner to present evidence at a hearing or trial on said issue.

3. Did the Supreme Court of Ohio deprive this petitioner of due process of law assured him by the fifth, sixth and fourteenth amendment of the United States Constitution when the court ordered this petitioner "to cease forthwith the practice of law" when said petitioner was a member in good standing in the Federal District Court for the Northern District of Ohio, Eastern Division and the finding this petitioner guilty of contempt of court without providing for a hearing, or the taking of any evidence after this petitioner had filed an answer denying the charges and set up defense that he was a member in good standing in the several courts.

4. Did the Supreme Court of Ohio deprive this petitioner of due process of law as provided in the fifth and fourteenth amendments to the United States Constitution when the Court was composed of two judges, whose personal attorneys appeared in these proceedings opposing this petitioner's position?

Did the Supreme Court of Ohio consist of a fair and impartial tribunal when D. H. Jackman, who was a member of a firm that was employed as the personal attorney for the Honorable James F. Bell, presented all matters

before the Supreme Court in opposition to this petitioner?

Did the Supreme Court of Ohio consist of a fair and impartial tribunal when Phillip K. Folk, the attorney for the applicants was also the personal attorney for the Honorable Carl V. Weygandt, especially after this petitioner had requested both of these judges to step aside and permit another judge to take his place as provided by law of Ohio?

STATEMENT OF FACT.

This case originated in the Supreme Court of Ohio.

The material facts in this case are not in dispute.

An application was filed by a group of attorneys. One of said group is John P. Case, a trial judge in the disbarment proceeding in Champaign County, Ohio.

The prayer of the application is as follows:

> "WHEREFORE Applicants pray that this Court make and issue appropriate orders in the premises to protect, maintain and preserve the authority given and granted to this Court by the Constitution of Ohio, and to this end enlist the entire resources of the Court, and the Association to which Applicants belong, by the appointment of counsel for the purpose of implementing the necessary and appropriate instructions and orders of the Court in these premises."

After filing this application, an order to show cause was issued, Appendix A.

J. Harvey Crow, the petitioner, filed a motion to strike and to make definite and certain, to which the Supreme Court of Ohio entered an order striking said motion from the files, Appendix B.

Petitioner J. Harvey Crow on January 21, 1959, filed an answer denying the allegations set forth in said application, and as an affirmative defense set out that he was:

1. Performing certain act or acts which he was permitted to do by virtue of being a member in good standing in the Federal District Court.

2. Performing certain act or acts that he was permitted to do by virtue of being a member in good standing in the United States Supreme Court.

3. J. Harvey Crow set forth seven other affirmative defenses, which if anyone of the defenses were proven would be a complete defense to the charges made.

Without any further notice, without any hearing, without any evidence, without any kind of proof of the allegations contained in said application, without taking any evidence in support of said application, without affording an opportunity to this petitioner to present evidence in support of the answer filed, the Court found the appellant guilty of contempt and entered the order, June 26, 1959, Citation in Contempt, Appendix C.

Application for rehearing was filed.

Immediately prior to this time of filing the application for rehearing J. Harvey Crow, this petitioner, learned that the Honorable Judge James F. Bell a member of the Supreme Court of Ohio, had in the past several years to-wit, March 1, 1957, been acting as executor under a will, in the estate of Tillie Chrisman, Case No. 12793, Probate Court, Madison County, Ohio.

The will was prepared by the firm of Jackman, Nichols and Grubbs, May 22, 1953 and a codicil was attached to said will on June 28, 1955 which was also prepared by attorneys, Jackman, Nichols and Grubbs.

In the administration of said estate the Honorable Judge James F. Bell employed as his personal attorney the firm of Jackman, Nichols and Grubbs. D. H. Jackman is a member of said firm and is one and the same person who appeared as a member of the committee in the disbar-

ment of J. Harvey Crow. Mr. Jackman was the person who appeared and presented all matters to the Supreme Court of Ohio in opposition to J. Harvey Crow in said disbarment proceedings.

On April 10, 1959, the final account filed by the Honorable James F. Bell as executor shows that the said James F. Bell was allowed $8,487.05 for his services as executor, $2,500.00 of which constituted extraordinary compensation. The Honorable Judge James F. Bell did pay his attorneys Jackman, Nichols and Grubbs, $8,995.85 for the services performed by them for him.

The Chief Justice, Carl V. Weygandt, employed attorney, Phillip K. Folk to represent him in Case No. 36,169, filed in the Supreme Court of Ohio at a time when he could have employed the Attorney General of Ohio without obligation for compensation as provided by law. Phillip K. Folk is one and the same attorney who filed this application.

The petitioner, J. Harvey Crow has no knowledge of the exact date when Phillip K. Folk became the personal attorney of the Honorable Carl V. Weygandt.

The statutes and constitution of the State of Ohio do not provide any method of removing a judge of the Supreme Court of Ohio.

This petitioner, J. Harvey Crow requested by letter that the Honorable James F. Bell and Honorable Carl V. Weygandt step aside in the various matters heard by the Supreme Court of Ohio but both judges refused to remove themselves. The Chief Justice, Carl V. Weygandt, never replied to the several letters addressed to him by this petitioner regarding his disqualification, but did by telephone call this petitioner's attorney and inform him he did not want to hear any argument about his qualification when the case was presented to the Court in oral argument.

The Honorable James F. Bell did reply and in one letter said in part:

> "I am surprised, astounded and at a loss to understand your letter requesting me to disqualify myself. * * *."

A copy of this letter was sent to D. H. Jackman.

In another letter, which said in part:

> "As I understand it, only two abstract legal questions are raised by the application now pending. First, whether a reviewing court is authorized by law to allow a stay of execution in a disbarment proceeding; and second, if so, whether a stay should be allowed in this instance. * * * I see no reason for disqualifying myself at this time."

The Supreme Court allowed the Application for Rehearing but at the same time and in the same order found J. Harvey Crow guilty of contempt and retained the personal property of J. Harvey Crow, to-wit, a framed certificate dated August 3, 1927, evidencing his admittance to the practice of law in the State of Ohio. Such certificate had been ordered to be surrendered to the Clerk of the Supreme Court on or before July 1, 1959, as shown by Appendix C.

A demand was made by J. Harvey Crow on the clerk for the return of said personal property but the Clerk under the orders of said court refuses to return said personal property to J. Harvey Crow.

HOW THE FEDERAL QUESTIONS ARE PRESENTED.

The federal questions were presented by the petitioner in his Application for Rehearing. This was his first opportunity to present these questions since there was no trial, no hearing, and no evidence taken to support the application.

The petitioner was not afforded the opportunity to produce evidence to maintain the defenses set forth in his answer.

THE QUESTIONS ARE SUBSTANTIAL.

The petitioner, J. Harvey Crow, urges that the finding of "guilty of contempt" by the Supreme Court of Ohio upon the filing of an application without any evidence to support the charges found in said application, without a hearing, after a denial by this petitioner of said charges in his answer and after setting forth in said answer seven affirmative defenses, and without being afforded an opportunity to present evidence to support said defenses was a violation of the due process clause as found in the fifth, sixth and fourteenth amendments to the Constitution of the United States.

The fifth, and sixth amendments are applicable to the states and can be enforced upon the states by and through the fourteenth amendment of the Constitution of the United States. *Wolf vs. Colorado*, 338 U. S. 25, 27, 28; *Frank v. Maryland*, 359 U. S. 360. *Rosenblum v. Rosenblum*, 42 N. Y. S. 2d 626.

A basic, fundamental, right in our system of jurisprudence under the constitutional provisions of the fifth and sixth amendments is a reasonable notice of the charge against him, and an opportunity to be heard in his defense, a right to his day in Court; and these rights include, as a minimum, a right to examine the witnesses against

him, to offer testimony, and to be represented by counsel. *In Re Oliver*, 333 U. S. 257.

The petitioner in this case was denied all of these minimum rights except notice of the charge.

This Honorable Court has said that knowledge acquired from the testimony of others, or even from the confession of the accused, would not justify conviction without a trial in which there was an opportunity for a defense. *In Re Oliver*, 333 U. S., 257.

The petitioner by the proceedings in the Supreme Court of Ohio was denied the right to a public trial, the right to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, the opportunity to present defense to the charges which are basic protections secured by the sixth amendment to the Constitution of the United States. In *Cook v. U. S.*, 267 U. S., 517.

Proceedings in contempt are quasi-criminal and to warrant a finding of guilty in such cases, evidence must be clear, positive and convincing. *Fawick Airflex Co., Inc. v. United Electrical Radio and Machine Workers of America, Local 735 C. I. O., et al.*, 90 N. E. 2nd, 610.

The constitutional provision guarantees to every person his day in Court and reasonable opportunity to be heard or defend. *Truax v. Corrigan*, 257 U. S., 312.

Life and liberty, within the meaning of the guaranty, include all personal rights and their enjoyment, embracing the use and enjoyment of the faculties, acquiring useful knowledge, the right to marry, establish a home and bring up children, freedom of worship, conscience, contract, occupation, speech, assembly, and press. *Grosjean v. American Press Co.*, 297 U. S., 233.

The order of the Supreme Court of Ohio finding this petitioner guilty of contempt was based upon a finding made without any evidence.

The finding made in the entry of October 21, 1959, is not compatible with the answer filed by this petitioner.

Since there was no evidence taken or any hearing permitted such findings could not be based upon the evidence.

An order based upon a finding made without evidence (*The Chicago Junction Case*, 264 U. S., 258, 263, 44 S. Ct., 317, 68 L. Ed., 667), or upon a finding made upon evidence which clearly does not support it (*Interstate Commerce Commission v. Union Pacific Railroad Co.*, 222 U. S., 541, 547, 32 S. Ct., 108, 56 L. Ed., 308), is an arbitrary act against which the courts afford relief, *Northern Pacific Railroad Co. v. Department of Public Works*, 268 U. S., 39; 45 S. Ct., 412, 69 L. Ed (836) 837.

The finding made as set out in numbers 3 and 4 in the entry of October 21, 1959, are not applicable and denied the petitioner his day in Court. The fact that the Supreme Court of Ohio refused to certify the record in a disbarment proceeding is not justification for denying the petitioner his constitutional rights under the fifth, sixth and fourteenth amendments.

It is understood that the overruling of a motion to certify the record does not constitute an affirmance of the judgment of the Court of Appeals, but is indicative that the Court does not consider the controversy one of public or great general interest within the meaning of Sections 2 and 6, Article IV of the Constitution of Ohio. *Keesecker, a Minor v. The G. M. McKelvey Co.*, 141 Ohio St. 162, *The Swetland Co. v. Evatt*, 139 Ohio St. 6; *The Park Investment Co. v. Evatt*, 139 Ohio St. 6; *Pearson v. Cartage Co.*, 148 O. S. 425.

A judgment of a Court of Appeals for one county in the State of Ohio does not make state law, and the denial of a motion to certify that case by the Supreme Court does not make state law. *West v. Telephone and Telegraph*

Co., C. C. A. 6th Ohio, 16 O. O., 431. Reversed on other grounds, 311 U. S. 223.

The Supreme Court of Ohio will take judicial notice of the record in a case previously before it involving the same subject matter and part. *Calloway v. Industrial Commission*, 115 O. S., 490; *Hughes v. County Board of Revision*, 143 O. S., 559.

Since the Supreme Court of Ohio refused to have the record certified in the disbarment proceeding involving the petitioner, J. Harvey Crow, the record in that case was never before them and under their own interpretation could not take judicial notice of that proceeding.

This petitioner was deprived of the right in the disbarment proceeding to present some of the defenses set out in his answer in this proceeding because the Supreme Court of Ohio refused to certify the record and hear the case.

Without any evidence the Supreme Court would have no knowledge of what was considered by the Court of Appeals in the disbarment proceeding.

To base any finding of fact upon which there was no evidence presented in this cause and of which the court cannot take judicial notice is a violation of the basic rights of this petitioner as provided under the fifth and fourteenth amendments to the Constitution of the United States.

The petitioner was deprived of his personal property without any trial, without any hearing, without any evidence and without the Supreme Court of Ohio affording the petitioner an opportunity to make any defense to the order to surrender his certificate.

The certificate issued in 1927 was personal property and belonged to the petitioner. The right to practice law in the state courts of Ohio was by virtue of the petitioner's

name appearing on the membership roll. The Supreme Court granted him a license to practice law. A license to practice law is intangible and a personal right. The certificate issued at that time was only evidence of that right but it was personal property. Said certificate could be sold or transferred like any other personal property. The right to practice law could not be transferred. Disbarment does not deprive the individual of the certificate but does deprive the individual of the intangible right to practice law in the State Courts.

To take away the petitioner's certificate without any hearing or evidence as shown by the entry of June 26, 1959, and Oct. 21, 1959, in this action was a violation of the fifth and fourteenth amendments of the United States Constitution. It deprived the petitioner of his property without due process of law.

When the Supreme Court refused the motion to certify in the disbarment proceeding and found the petitioner guilty of contempt of court on June 26, 1959, and ordered said petitioner to surrender his license (meaning certificate) on or before July 1, 1959, did said court consist of a fair and impartial tribunal?

During the time of above mentioned proceedings the Honorable James F. Bell paid to his own attorneys Jackman, Nichols and Grubbs, almost nine thousand dollars for legal services. It must be remembered that D. H. Jackman was a member of the committee and not their attorney who presented all matters involving the disbarment of the petitioner orally to the Supreme Court of Ohio. It also must be remembered that at the very time D. H. Jackman was opposing the motion to certify in the disbarment proceeding his law firm was employed by the Honorable James F. Bell who was sitting as a member of the Supreme Court of Ohio considering the issues involved.

In *Tumey v. Ohio* this Court set aside the convictions because the judge was interested in the case to the extent of $12.00. In this case the judge was interested in one of the parties to the extent of $9,000.00.

It would seem unrealistic to believe that the Honorable James F. Bell could be fair and impartial under these facts and circumstances.

It would follow that all proceedings in which he participated would be null and void and the tribunal on which he sat would not be fair and impartial.

It therefore follows that the Supreme Court of Ohio could not consider the motion to certify in the disbarment case, in this action because it was not made by a fair and impartial court.

It is hard to conceive how any person could lose his cause in court when he had his client sitting on the bench as judge to help make the decisions.

The fact that Judge Bell removed himself on the Application for Rehearing is justification for assuming that he was disqualified to hear these matters previously.

An impartial judge is one of the basic principles of our system of jurisprudence.

Under the common law, if an order of removal were made by two justices, and one of them was an inhabitant of the parish from which the pauper was removed, such order was illegal and bad, on the ground that the justice was interested, as being liable to the poor's rate. *Rex v. Great Chart*, Burr S. C. 194, Stra 1173.

This strict principle is and should be enforced at the present time.

To subject a defendant to trial in a criminal case involving his liberty, property, or personal rights, before a judge having a direct personal, substantial interest in convicting him is a denial of the due process of law and

violates the fourteenth amendment. *Tumey v. Ohio*, 273 U. S. 510.

This Honorable Court has said that every procedure which would offer a possible temptation to the average man as a judge * * * not to hold the balance nice, clear and true between the State and the accused, denies the latter, due process of law. *Tumey v. Ohio*, 273 U. S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between the contending parties. But to perform its high function in the best way "justice must satisfy the appearance of justice." *Offat v. U. S.*, 348 U. S. 11, 14.

The purpose of the law is that no judge shall hear and determine a case in which he is not wholly free, disinterested, impartial, and independent. *In Re Hupps Estate*, 291 P. 2d, 428.

It is disclosed in this action that the attorney who filed the application also personally represents the Honorable Carl V. Weygandt who is also a member of the Ohio Supreme Court.

This, in our humble opinion, would constitute a tribunal that was not fair and impartial.

In the case of *Truax v. Corrigan*, 257 U. S. 312 at 332, Chief Justice Taft defined "due process" as guaranteed by the fourteenth amendment as follows:

> "The due process clause requires that every man shall have the protection of his day in Court, and the benefit of the general law, a law which hears before it condemns, which proceeds not arbitrarily or capriciously, but upon inquiry, and renders judgment only after trial, so that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society."

The standards set forth by this Court were not observed by the Supreme Court of Ohio and this contempt proceeding was a violation of the due process clause as guaranteed to this petitioner in the fifth, sixth and fourteenth amendments to the Constitution of the United States.

The questions presented are substantial, are of great public importance both to the citizens of Ohio and to the citizens of all states who have any matters that might come before the Courts.

We believe that these questions merit plenary consideration by this Court.

Respectfully submitted,

J. HARVEY CROW,
In Propria Persona.

APPENDIX A.

ORDER TO SHOW CAUSE.

No. 35,825.

THE SUPREME COURT OF THE STATE OF OHIO.

THE STATE OF OHIO, CITY OF COLUMBUS,

Of the Term of January, A. D. 1958.

To-wit: Tuesday, October 21st.

IN THE MATTER OF UNAUTHORIZED PRACTICE OF LAW IN RE J. HARVEY CROW.

ORDER TO SHOW CAUSE.

It having come to the attention of this Court that J. Harvey Crow who was disbarred from the practice of law in this state on August 16, 1956, has nevertheless continued such practice in violation of said judgment of disbarment, said J. Harvey Crow is hereby cited by this Court to show cause on or before November 8, 1958, why he should not be punished for contempt of court for said violation of said judgment of disbarment.

(Signed) CARL V. WEYGANDT,
Chief Justice.

(Duly certified.)

APPENDIX B.

MOTION TO STRIKE AND MAKE DEFINITE AND CERTAIN.

The so-called "Motion to Strike" filed herein by J. Harvey Crow is not responsive to the Show Cause Order heretofore issued on October 21, 1958. Said Motion is therefore stricken from the files, and the said J. Harvey Crow is ordered to comply, on or before January 21, 1959, with the said Show Cause Order by stating, under oath, whether he is or is not practicing law in the State of Ohio.

It is further ordered that a copy of this entry be served upon the said J. Harvey Crow by the Marshal of this Court by personally handing same to the said J. Harvey Crow.

(Duly certified.)

APPENDIX C.

CITATION IN CONTEMPT.

June 26, 1959.

J. Harvey Crow having been ordered to show cause why he should not be punished for contempt for failure and refusal to comply with this court's disbarment order and judgment and having failed to show such case, he is hereby found guilty of contempt of this court and is ordered to cease forthwith the practice of law; and he is further ordered to surrender his license therefor to the Clerk of this Court on or before July 1, 1959, or be sentenced to serve six months in jail for such contempt.

It is further ordered and adjudged that J. Harvey Crow pay the costs of this proceeding, taxed at $

/s/ CARL V. WEYGANDT,
Carl V. Weygandt, Chief Justice,
The Supreme Court of the State of Ohio.

(Duly certified.)

APPENDIX D.

ENTRY ON MOTION FOR REHEARING.

This day this cause came on to be heard on the application of J. Harvey Crow for a reconsideration of the order of this court made on June 6, 1959, finding said J. Harvey Crow guilty of contempt of court by reason of the fact that he failed and refused to comply with this court's disbarment order and judgment.

On consideration thereof, the court finds said application well taken and hereby grants the same.

Coming now to reconsider the order to show cause and the answer filed therein by J. Harvey Crow, the court finds:

(1) That the said J. Harvey Crow, in his first defense to said order, admitted that he was actively engaged in the practice of law in the state of Ohio, and that in connection therewith he used the words "attorney at law, law and other phrases" on his "door, window, telephone book and stationary" (sic).

(2) That the second defense fails to state a defense in that the name of the said J. Harvey Crow was stricken from the Roll of Attorneys of this court on December 18, 1958, following the denial of a motion to certify the affirmance of his disbarment by the Court of Appeals for the Second District, from which order the Supreme Court of the United States subsequently denied a writ for certiorari.

(3) That the third defense fails to state a defense to said show cause order in that said defense, and all its branches, were raised by the said J. Harvey Crow in his appeal from the disbarment order entered on August 16, 1956, by the Court of Common Pleas, of Champaign County, Ohio and fully considered by the Court of Appeals which affirmed said order, and by this court on motion to certify.

(4) That the fourth defense fails to state a defense in that said defense was raised by the said J. Harvey Crow in his appeal from the disbarment ordered entered on August 16, 1956, by the Court of Common Pleas of Champaign County and fully considered by the Court of Appeals which affirmed said order, and by this court on motion to certify.

(5) That the said J. Harvey Crow has continued to engage in the practice of law in Ohio despite an order of disbarment and that such practice constitutes a contempt of this court.

It is therefore ordered and adjudged that the said J. Harvey Crow is guilty of contempt of this court and he is ordered to cease forthwith the practice of law and the holding out of himself, in any manner and in any court, as an attorney at law; and, that the said J. Harvey Crow having heretofore surrendered the certificate evidencing his license to practice law to the Clerk of this court, the imposition of sentence for such contempt is hereby suspended pending compliance with this order.

It is further ordered and adjudged that J. Harvey Crow pay the costs of this proceeding, taxed at $

WEYGANDT, C. J., and BELL, J., not participating.

(Duly certified.)